

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2007 JUL 26 PM 2:15

CLERK *M. A. Hill*
SO. DIST. OF GA.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JOHN RANDALL FUTCH,

Plaintiff,

v.

**HOUSEHOLD BANK, N.A.,
RUST CONSULTING, INC., and
BRIAN STRANGE,**

Defendants.

Civil Action No.

CV 407 - 109

NOTICE OF REMOVAL

Defendant Rust Consulting, Inc. ("Rust") respectfully files this Notice of Removal from the State Court of Chatham County, Georgia, to the United States District Court for the Southern District of Georgia, Savannah Division. Rust shows the Court as follows:

1. This action was commenced on May 1, 2007 by the filing of a Complaint in the State Court of Chatham County, Georgia. On July 25, 2007, Rust filed its answer in the State Court. A true and correct copy of the Complaint, Answer, and other pleadings, process and orders served on Rust in this action, are attached hereto as Exhibit 1. In the Complaint, Plaintiff seeks compensatory and

punitive damages related to a claim he submitted in a class action filed in a California state court.

2. This removal is timely under 28 U.S.C. § 1446(b) because it has been filed within thirty (30) days after service on Rust of Plaintiff's initial pleading setting forth his claims for relief.

3. Defendant Household Bank, N.A. ("Household") has thirty days from the date it was served to consent to this removal. See, e.g., Adams v. Lederle Labs., 569 F. Supp. 234, 243 (D. Mo. 1983).

4. Defendant Brian Strange ("Strange") has not been personally served with a summons and copy of the complaint, therefore, he is not required to consent to this removal. See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-49 (1999) (holding a defendant has no duty to file a notice of removal without formal service); Jones v. Houston Indep. Sch. Dist., 979 F.2d 1004, 1007 (5th Cir. 1992) (holding a defendant cannot join in a removal petition if he is not served).

5. As set forth below, the Court has diversity of citizenship jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because the alleged cause of action brought by Plaintiff against Defendants is a suit between citizens of

different states, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

6. Complete diversity of citizenship exists between Plaintiff and Defendants.

7. Plaintiff is a citizen of Georgia. Currently, Plaintiff is a prisoner incarcerated at the Federal Correctional Institution in Pekin, Illinois. See Compl. ¶ 1, p. 2, Ex. 1. Prisoners retain their pre-incarceration citizenship. Polakoff v. Henderson, 370 F. Supp. 690, 693 (N.D. Ga. 1973), aff'd 488 F.2d 977 (5th Cir. 1974). Before Plaintiff's incarceration, he was, and thus remains, a Georgia citizen.

8. Defendant Rust, a corporation, is, and was at the time of commencement of this action, a citizen of Minnesota. See Compl. ¶ 2, p.1, Ex. 1. Rust is incorporated under the laws of Minnesota, and its one principal place of business is located in Minnesota.

9. Pursuant to 28 U.S.C. § 1348, Defendant Household is a citizen of Nevada because Household is, and was at the time of the commencement of this action, a national banking association with its main office in Nevada. Wachovia Bank v. Schmidt, 546 U.S. 303, 126 S. Ct. 941, 945, 163 L. Ed. 2d 797, 803 (2006).

10. The matter in controversy in this case exceeds \$75,000.00, exclusive of interest and costs. Plaintiff's Complaint includes a demand for judgment for \$425,000.00 from each Defendant. See Compl. ¶ (b).¹

11. Attached hereto as Exhibit 1 are copies of all pleadings, process and orders served on Rust to date in this action.

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal shall be filed promptly with the Clerk of the State Court of Chatham County, Georgia, and is being served on Plaintiff.

13. The United States District Court for the Southern District of Georgia is the court embracing the State Court of Chatham County, the court where Plaintiff filed this action. For the purpose of removal, venue therefore is proper in this Court pursuant to 28 U.S.C. § 90(c)(3) and 28 U.S.C. § 1441(a).

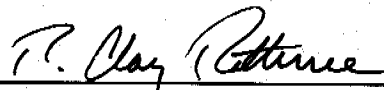
WHEREFORE, Rust prays that the Court assume jurisdiction over this action from the State Court of Chatham County, Georgia, and that this action shall

¹ Rust denies all liability and denies that Plaintiff is entitled to or will recover damages in any amount. Rust does not concede or admit that, if liability were found, the amount of such liability would exceed \$75,000.00 for each Defendant or that Plaintiff's damages calculation methodology is in any way proper. Rust provides the figures in this Notice solely to demonstrate that the "matter in controversy," judged by the alleged (but unproven and disputed) facts in the Complaint, meets the jurisdictional requirements of 28 U.S.C. § 1332(a).

proceed as removed under this Court's jurisdiction pursuant to 28 U.S.C.

§§ 1332(a) and 1441(b).

Respectfully submitted this 26th day of July, 2007.



R. Clay Ratterree
Georgia Bar No. 595312
Ellis, Painter, Ratterree & Adams LLP
First Union Building, 10th Floor
2 East Bryan Street
Savannah, Georgia 31401
Phone: (912) 233-9700
Fax: (912) 233-2281

OF COUNSEL:

Ashley Cummings
Georgia Bar No. 186005
Jason M. Beach
Georgia Bar No. 043606
HUNTON & WILLIAMS LLP
Bank of America Plaza, Suite 4100
600 Peachtree Street, N.E.
Atlanta, Georgia 30308
Phone: (404) 888-4000
Fax: (404) 888-4190

***Counsel for Defendant Rust Consulting,
Inc.***

EXHIBIT 1

IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

JOHN RANDALL FUTCH

Plaintiff,

v.

HOUSEHOLD BANK
RUST CONSULTING
BRIAN STRANGE

Defendants.

Case No. _____

CIVIL COMPLAINT

COMPLAINT

NOW COMES, John Randall Futch (Plaintiff) herein and file his Complaint showing the Court as follows:

1. Defendant Household Bank is a resident of Cook County, Illinois and is subject to the jurisdiction of this Honorable Court. The Defendant may be served with this Complaint, Summons, and Process at 1301 E. Tower Road, Schaumburg, IL 60173.
2. Defendant Rust Consulting, Inc. is a resident of Hennepin County, Minnesota and is subject to the jurisdiction of this Honorable Court. The Defendant may be served with this Complaint, Summons, and Process at 625 Marquette Avenue, Suite 880, City of Minneapolis, Minnesota 55402.
3. Defendant Brian Strange is a resident of Los Angeles, County and is subject to the jurisdiction of this Honorable Court. The Defendant may be served with this Complaint, Summons, and Process at 12100 Wilshire Boulevard, 19th Floor, Los Angeles, California

RECEIVED FOR FILING
STATE COURT OF CHATHAM COUNTY
2007 MAY -1 PM 4:18
Brian H. Strange

90025.

1. The Plaintiff John Randall Futch, is incarcerated in the Federal Correctional Institution, Pekin, Illinois, P.O. Box 5000, Pekin, Illinois 61555.
2. Household Bank, located at 1301 E. Tower Road, Schaumburg, IL 60173 is a company involved in offering personal revolving credit to customers. Household Bank entered into a contract with the said Plaintiff within the County of Chatham, The State of Georgia, and subsequently a national class action suit was filed against the said defendant "Household Bank for fee disputes.
3. Rust Consulting, Inc., is located at 625 Marquette Avenue, Suite 880, Minneapolis, Minnesota 55402. As was a claim said administrator for Household Bank in connection with a national class action lawsuit wherein a fee disputes was the core of the action.
4. Brian Strange of 12100 Wilshire Blvd, 19th Floor, Los Angeles California 90025 is a lawyer who was to represent the class in connection with the class action.
5. The Plaintiff learned of the class action, and filed a claim in 2004.
6. The Plaintiff received no response to his filed claim and then sought to inquire of the status.
7. The Plaintiff received communications from Defendant Strange indicating he was qualified for a claim.
8. The Plaintiff next received a letter from the Defendant Strange indicating that payments were made to qualified accounts,

and those who sought payments by mail, those checks would be forthcoming.

9. Defendant Strange admitted in his letter that the payments from the class-action were automatic distribution to qualified accounts.

10. The Plaintiff contacted the Defendant Strange and sought information about his claim, when he didn't receive payment or check.

11. Plaintiff Strange asserts that the "Plaintiff did not submit the required documentation and the claim was denied.

12. Defendants Strange, Rust Consulting, and Household Bank committed fraud wherein, the plaintiff was erroneously overcharged fee's in violation of his contract with household. Rust Consulting, Inc and Brian Strange committed fraud, wherein the Plaintiff filed a timely claim, and was never informed of any defects until it was past date to amend or cure any alleged defects so that he could recover his damages.

13. The Plaintiff further asserts that the Defendants Household Bank, Brian Strange, Rust Consulting, Inc. conspired to deny his claims and the relief thus committing a second act of fraud.

WHEREFORE, PLAINTIFF PRAYS:

(a) That process issue terms of law requiring the Defendants answer this complaint in a timely manner.

(b) That the Plaintiff have and recover in compensatory damages in the amount of \$25,000.00 and punitive damages in the

amount of \$400,000.00 from each defendant.

(c) That Plaintiff have such other and further relief
as is just and proper in law or equity.

This 13th of March, 2007.

BY:


John Randall Futch

P.O. Box 5000
Pekin, Illinois 61555-5000



www.hbcard.com

Page 1 of 2

ACCOUNT SUMMARY		MINIMUM PAYMENT SUMMARY		BALANCE SUMMARY	
ACCOUNT NUMBER	EAOT-9 180-0170-4748	PAST DUE AMOUNT	\$0.00	PREVIOUS BALANCE	\$385.55
CASH CREDIT LINE*	\$300	CURRENT PAYMENT	+ \$0.00	PAYMENTS/CREDITS	- \$891.90
CASH LINE AVAILABLE	\$300	TOTAL MINIMUM PAYMENT DUE	= \$0.00	PURCHASES/DEBITS	+ \$36.50
TOTAL CREDIT LINE	\$300			LATE PAYMENT CHARGE	+ \$0.00
TOTAL CREDIT LINE AVAILABLE	\$300			MISC. FINANCE CHARGE	+ \$0.00
				FINANCE CHARGE	+ \$0.00
CLOSING DATE	08/17/02	PAYMENT DUE DATE	04/11/02	NEW BALANCE	= \$0.00

*Cash Credit Line is a portion of the Total Credit Line

TRANSACTION SUMMARY					
<u>TRANS POST</u>			<u>REFERENCE</u>	<u>AMOUNT</u>	
<u>DATE</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>NUMBER</u>	<u>CHARGES</u>	<u>CREDIT</u>
03/08	03/06	PAYMENT - THANK YOU	\$0304020080010E1389701		\$58.00
03/13	03/14	CHECK BY PHONE PAYMENT	000000000000031308428688		\$335.92
02/27	02/27	OVERLIMIT CHARGE ASSESSMENT	Y0000000000000000000172923	\$29.00	
03/13	03/14	CHECK BY PHONE FEE (ACH)	000000000000031308428690	\$7.80	

PERIODIC FINANCE CHARGE SUMMARY					
	Balance Subject To Finance Charge/ Average Daily Balance	Daily Periodic Rate*	Days in Billing Cycle	Finance Charges At Periodic Rate	NOMINAL ANNUAL PERCENTAGE RATE
PURCHASES	\$0.00	.06180%	28	\$0.00	18.00%
CASH ADVANCES	\$0.00	.06180%	28	\$0.00	18.00%
PURCHASES	\$0.00	.06180%	28	\$0.00	18.00%
ANNUAL PERCENTAGE RATE**	0.000%				

*PERIODIC RATE MAY VARY
**May be higher than nominal Annual Percentage Rate if statement includes min. finance charges.

✓ MAIL PAYMENTS TO:
BANKCARD SERVICES
PO BOX 4155
CAROL STREAM, IL 60197-4155

QUESTIONS?
24-HOUR AUTOMATED ACCOUNT INFORMATION
ENGLISH 1-800-293-4037
ESPAÑOL 1-800-293-4834

☒ MAIL INQUIRIES TO:
BANKCARD SERVICES
PO BOX 80264
BALHAB, CA 92012-0264

130245 18 0 SYMPTOM 0

NOTICE: See Reverse Side for Important Information

00011861 H032

PLEASE DETACH AND RETURN BOTTOM PORTION WITH YOUR PAYMENT: To Assure Proper Credit Please Write Your Account Number On Your Check

Account Number		540 950 000 778	
New Balance	\$0.00	Minimum Payment Due	\$0.00
Payment Due Date	04/11/02		

Make checks payable to Household Credit Services. Please write your account number on your check. Do not fold, staple or clip. Do not send cash. Please send your payment 7 to 10 days prior to the payment due date to ensure timely delivery.

Amount Enclosed

3

JOHN FUTCH
PO BOX 14352
SAYANNAH GA 31416-1352

BANKCARD SERVICES
PO BOX 4155
CAROL STREAM IL 60137-4155

FTMT2104 (202)

54079150017047480000000000000000?

Household Bank®

www.hbcard.com



Page 2 of 2

IMPORTANT INFORMATION

Occasionally cardmembers have difficulty reading the Customer Service phone number printed on the back of their credit card. Please take a moment to compare the Customer Service phone number on this statement with the number on the back of your card and keep a record of the phone number on this statement if the number on the back of your card is illegible.

CARDMEMBER NEWS

Claim your Cardmember Reward today! As a valued Cardmember, you are entitled to receive a fine Lenox China Bud Vase. See the enclosed letter for your Reward Certificate.

✓ **MAIL PAYMENTS TO:**
BANKCARD SERVICES
PO BOX 4188
CAROL STREAM, IL 60197-4188

QUESTIONS?
24-HOUR AUTOMATED ACCOUNT INFORMATION
ENGLISH 1-503-202-4037
ESPAÑOL 1-503-202-4834

✉ **MAIL INQUIRIES TO:**
BANKCARD SERVICES
PO BOX 80084
SALINAS, CA 93912-0084

110248 18

0

STMTDS 0

NOTICE: See Reverse Side for Important Information

00011881

HDS2

PLEASE DETACH AND RETURN BOTTOM PORTION WITH YOUR PAYMENT. To Assure Proper Credit Please Write Your Account Number On Your Check

ACCOUNT INFORMATION			
New Balance	\$0.00	Minimum Payment Due	\$0.00
Payment Due Date	04/11/02		

Make checks payable to Household Credit Services. Please write your account number on your check. Do not fold, staple or clip. Do not send cash. Please send your payment 7 to 10 days prior to the payment due date to ensure timely delivery.

Amount
Enclosed

\$

JOHN FUTCH
PO BOX 14552
SAVANNAH GA 31416-1552



BANKCARD SERVICES
PO BOX 4188
CAROL STREAM IL 60197-4188



54079150017047480000000000000007

STMT210A (2/02)

Page 1 of 1

Jill Hood

From: "Boevers, Sue" <SBoevers@rustconsulting.com>
To: "Jill Hood" <JHood@LinkLine.COM>
Sent: Monday, February 13, 2006 7:50 AM
Subject: RE: Shea v. Household

We have a invalid form on file, no documents were attached to support the claim.

-----Original Message-----

From: Jill Hood [mailto:JHood@LinkLine.COM]
Sent: Tuesday, February 07, 2006 10:40 AM
To: Boevers, Sue
Subject: Shea v. Household

Dear Sue:
Can you please check on the status of the following claim:
John Randall Futch
Federal Correctional Institution
P.O. Box 725
Edgefield, SC 29824

Thank you.

Jill Hood, Paralegal
STRANGE & CARPENTER
12100 Wilshire Blvd., Suite 1900
Los Angeles, California 90025
(310) 207-5055

2/13/2006

STRANGE & CARPENTER
ATTORNEYS AT LAW
12100 WILSHIRE BOULEVARD, 19TH FLOOR
LOS ANGELES, CALIFORNIA 90025
TELEPHONE (310) 207-8088
FACSIMILE (310) 826-3210

FILE NO. _____

lscounsel@earthlink.net
www.strangeandcarpenter.com

January 25, 2007

VIA U.S. MAIL

LEGAL MAIL

John Randall Futch 08700-021
Federal Correctional Institution
P.O. Box 5000
Pekin, IL 61555

Re: **Shea, et al. v. Household Bank (SB), National Association Class Action Settlement**

Dear Mr. Futch:

Thank you for contacting our office regarding the above-referenced class action settlement. We are pleased to inform you that the automatic credit portion of the distribution to qualified accounts has taken place. Qualified accounts with balances received a credit to the account. For qualified class members who will be receiving a settlement check by mail, those checks are expected to be mailed next week, and expected to be completed by January 31, 2007. For accounts that did not receive an automatic credit, but qualify for a recovery of less than \$1.00, the recovery will be donated as a *cy pres* award to a designated charity as ordered by the Court, unless the class member requested the recovery by calling a toll free number at the time notice was sent. The recovery per account varies depending on the activity of each account. We do not have the amounts of each class member's recovery. There are over 22.3 million accounts that qualified for a finance charge award; almost 3.3 million accounts that qualified for a late fee award; and over 1,400 accounts that qualified for a overlimit fee claim.

Please feel free to contact our office with any further questions.

Very truly yours,

STRANGE & CARPENTER

Jill Hodd
Paralegal

/jh

STRANGE & CARPENTER
ATTORNEYS AT LAW
12100 WILSHIRE BOULEVARD, 19TH FLOOR
LOS ANGELES, CALIFORNIA 90025
TELEPHONE (310) 207-8088
FACSIMILE (310) 207-3210

FILE NO. _____

lsacounsel@earthlink.net
www.strangeandcarpenter.com

February 16, 2007

VIA U.S. MAIL

LEGAL MAIL

John Randall Futch 08700-021
Federal Correctional Institution
P.O. Box 5000
Pekin, IL 61555

Re: **Shea, et al. v. Household Bank (SB), National Association Class Action Settlement**

Dear Mr. Futch:

This will respond to your January 25, 2007 letter regarding the above-referenced class action settlement. The claim administrator received your claim form. However, you did not submit the required supporting documentation and your claim form was therefore deemed invalid. Thus, your account did not qualify for a refund and a settlement check was not mailed to you. Please feel free to contact our office with any further questions.

Very truly yours,

STRANGE & CARPENTER


Brian R. Strange

/jh

February 22, 2007

Brian Strange
Attorney At Law
Strange & Carpenter
12100 Wilshire Boulevard, 19th Floor
Los Angeles, California 90025

VIA U.S. LEGAL MAIL

Re: Shea, et al. v. Household Bank (SB), National Association
Class Action Settlement

Dear Mr. Strange:

I am once again writing with regards to the above matter.

As you are aware, I have sent numerous correspondence to your office. In addition, I have made every attempt, to get paid in the above-referenced action.

As of this date, I have yet to receive anything from the settlement administrator. In which, has left me no other kind of alternative.

Enclosed please find a complaint file with regards to the fact, I have yet to receive any payments. I have also included a statement from my account whereas theres proof of late fee's etc.

Once again, if and when your office elects to contact the settlement administrator payments can be sent to:

John R. Futch 08700-021
Bureau of Prisons
P.O. Box 474701
Des Moines 50947

Thank you I await your reply.

I am,

Sincerely,

John Randall Futch

JRF-jf

c: California State Bar

STRANGE & CARPENTER
ATTORNEYS AT LAW
12100 WILSHIRE BOULEVARD, 19TH FLOOR
LOS ANGELES, CALIFORNIA 90025
TELEPHONE (310) 807-8066
FACSIMILE (310) 826-3210

FILE NO. _____

lcounsel@earthlink.net
www.strangeandcarpenter.com

March 2, 2007

VIA U.S. MAIL

LEGAL MAIL

John Randall Futch 08700-021
Federal Correctional Institution
P.O. Box 5000
Pekin, IL 61555-5000

Re: Shca, et al. v. Household Bank (SB), National Association Class Action
Settlement

Dear Mr. Futch:

This will respond to your February 22, 2007 letter regarding the above-referenced class action settlement. The claim administrator received your claim form. However, the claim form was deemed invalid because you did not submit the required supporting documentation. You will not be receiving a settlement check because either your account did not qualify for settlement recovery or your recovery was less than \$1.00 and will be donated as a *cy pres* award to a designated charity as ordered by the Court. In order to have redeemed any recovery of less than \$1.00, you would of had to call a toll free number and request such at the time notice was sent in 2004. Please feel free to contact our office with any further questions:

Very truly yours,

STRANGE & CARPENTER


Brian R. Strange

/jh

STRANGE & CARPENTER
ATTORNEYS AT LAW
12100 WILSHIRE BOULEVARD, 18TH FLOOR
LOS ANGELES, CALIFORNIA 90025
TELEPHONE (310) 207-8855
FACSIMILE (310) 226-3210

FILE NO. _____

mcounsel@earthlink.net
www.strangeandcarpenter.com

March 5, 2007

VIA U.S. MAIL

LEGAL MAIL

John Randall Futch 08700-021
Federal Correctional Institution
P.O. Box 5000
Pekin, IL 61555-5000

Re: Shea, et al. v. Household Bank (SB), National Association Class Action
Settlement

Dear Mr. Futch:

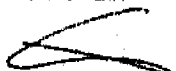
This will respond to your February 26, 2007 letter regarding the above-referenced class action settlement. My letters to you dated January 25, 2007 and February 16, 2007 do not contradict one another and are not misleading. My January 25, 2007 letter sets forth information for accounts that may qualify for settlement recovery. That letter does not state that your account qualified for settlement payment. My February 16, 2007 letter states the same as my March 2, 2007 letter to you, your claim form was deemed invalid because you did not submit the required supporting documentation *with* your claim form. Although you enclose a copy of your credit card statement with your February 26, 2007 letter, the deadline to submit a claim form and the required documentation was November 18, 2004. It is too late to submit a copy of your credit card statement.

Your February 26, 2007 letter states you are waiting for the settlement administrator's address. The settlement administrator's address was in the notice and is as follows: Household Claims Administrator, P.O. Box 1712, Faribault, MN 55021-1712.

Please feel free to contact our office with any further questions.

Very truly yours,

STRANGE & CARPENTER


Brian R. Strange

/jh

IN THE State COURT OF Chatham COUNTY
STATE OF GEORGIA

John Randall Futch
Plaintiff,
v. Household Bank
Rust Consulting, Inc.
Brian Strange.
Defendant.

CIVIL ACTION NO. STCV 0701748

AFFIDAVIT OF POVERTY

Personally appeared before an authority duly authorized to administer oaths, the undersigned, who being put upon oath, deposes and says that:

1. He/She is the (Plaintiff/Defendant) in the foregoing action.
2. He/She is financially indigent and is without adequate financial resources to pay the costs of this action.
3. That without being able to proceed in forma pauperis he/she will not be able to pursue this action.

The foregoing statements are true and made under oath and penalty of perjury if untrue.

[Signature]
Signature of Plaintiff/Defendant

Sworn to and subscribed before me this

8 day of March, 2007
[Signature]
Notary Public

[Signature]
OFFICIAL SEAL
Sandra L. Tudela
Notary Public, State of Illinois
My Commission Expires 02/10/2010



In The State Court of Chatham County, Georgia

133 MONTGOMERY STREET, SUITE 308, SAVANNAH, GEORGIA 31401
www.statecourt.org • Phone (912) 652-7224 • FAX (912) 652-7229 • clerk@statecourt.org

John Randall Futch

Plaintiff

Vs

Household Bank

Rust Consulting, Inc.

Brian Strange

Defendant

Counsel or Party Counsel or Party

STCV 0701748

Case Number

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY, GA
2007 MAY -1 PM 4:17
Brian R. Futch

CERTIFICATION UNDER RULE 3.2

Pursuant to rules 3.2 and 3.4 of the Uniform Superior Court Rules and Local Rule # _____ of the Eastern Judicial Circuit of Georgia, I hereby certify that no case has heretofore been filed in the State Court of the Eastern Judicial Circuit involving substantially the same parties or substantially the same subject matter or substantially the same factual issues which would require the petition-pleading to be specifically assigned to the judge whom the original action was or is assigned.

This 13th day of March, 2007

OR

Counsel or Party

Pursuant to Rules 3.2 and 3.4 of the Uniform Superior Court Rules and Local Rule # _____ of the Eastern Judicial Circuit of Georgia, I hereby certify that this petition-pleading involves substantially the same parties or substantially the same factual issues as in Case # _____

Plaintiff VS _____
Defendant

Filed in The Eastern Judicial Circuit of Georgia which under Rule 3.2 of the Superior Court rules require the petition-pleading, be specifically assigned to the Judge whom the original action was or is assigned.

Counsel or Party

PRINT

In The State Court of Chatham County, Georgia

133 MONTGOMERY STREET, SUITE 308, SAVANNAH, GEORGIA 31401

www.statecourt.org * Phone (912) 652-7224 * FAX (912) 652-7229 * clerk@statecourt.org

John Randall Futch

Plaintiff

Vs

Household Bank

Rust Consulting, Inc.

Brian Strange

Defendant

STCV 0701748

Case Number

2007 MAY -1 PM 4:22

RECEIVED FOR FILING
STATE COURT OF CHATHAM COUNTY, GA

Brian K. Hart

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Brian Strange

Defendant's Address 12100 Wilshire Blvd., 19th Floor, Los Angeles, CA 90025

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, John Randall Futch 08700-021 whose name and address is:

FCI Pekin, P.O. Box 5000, Pekin IL 61555-5000

an
answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

This 1st day of May, 2007

[Signature]
Deputy Clerk, State Court of Chatham County Georgia

[Signature]
CLERK OF COURT
State Court of Chatham County

BRIAN K. HART, CLERK
STATE COURT ROOM 308
CHATHAM COUNTY COURTHOUSE
SAVANNAH, GEORGIA 31401

Not valid until signed by a Deputy Court Clerk, above

27.Summons

In The State Court of Chatham County, Georgia

133 MONTGOMERY STREET, SUITE 308, SAVANNAH, GEORGIA 31401

www.statecourt.org • Phone (912) 652-7224 • FAX (912) 652-7229 • clerk@statecourt.org

John Randall Futch

Plaintiff

Vs

Household Bank

Rust Consulting, Inc.

Brian Strange

Defendant

STCV 0701748

Case Number

2007 MAY -1 PM 4:18

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY, GA

SUMMONS

Rust Consulting, Inc.

TO THE ABOVE NAMED DEFENDANT:

Defendant's Address 625 Marquette Avenue, Suite 880, Minneapolis, MN 55402

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney,
whose name and address is: John Randall Futch 08700-021, FCI Pekin
P.O. Box 5000, Pekin, Illinois 61555-5000

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

This 15th day of May, 2007

R. Hart

Deputy Clerk, State Court of Chatham County Georgia

Brian K. Hart
CLERK OF COURT
State Court of Chatham County

BRIAN K. HART, CLERK
STATE COURT ROOM 308
CHATHAM COUNTY COURTHOUSE
SAVANNAH, GEORGIA 31401

Not valid until signed by a Deputy Court Clerk, above

27.Summons

In The State Court of Chatham County, Georgia

133 MONTGOMERY STREET, SUITE 308, SAVANNAH, GEORGIA 31401

www.statecourt.org • Phone (912) 652-7224 • FAX (912) 652-7229 • clerk@statecourt.org

John Randall Futch

Plaintiff

Vs

Household Bank

Rust Consulting, Inc.

Brian Strange

Defendant

STCV 0701748

Case Number

2007 MAY -1 PM 4:17

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY, GA

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Household Bank

Defendant's Address 1301 E. Tower Road, Schaumburg, IL 60173

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney,
whose name and address is: John Randall Futch 08700-021
FCI Pekin, P.O. Box 5000, Pekin, IL 61555-5000

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

This 1st day of May, 2007

Deputy Clerk, State Court of Chatham County Georgia

CLERK OF COURT
State Court of Chatham County

BRIAN K. HART, CLERK
STATE COURT ROOM 308
CHATHAM COUNTY COURTHOUSE
SAVANNAH, GEORGIA 31401

Not valid until signed by a Deputy Court Clerk, above

27.Summons

IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

JOHN RANDALL FUTCH,

Plaintiff,

vs.

HOUSEHOLD BANK, RUST
CONSULTING, INC. and
BRIAN STRANGE,

Defendants.

STCV07-01748 GI

CIVIL ACTION NO:

2007 MAY -1 PM 2:41

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY, GA

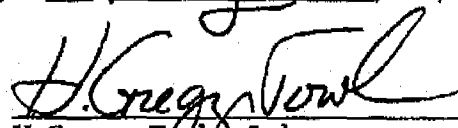
**ORDER ON PLAINTIFF'S PRO SE
FILING AND REQUEST TO PROCEED
IN FORMA PAUPERIS**

In accordance with O.C.G.A. § 9-15-2(d) and 42-12-5(b), the Court has examined the Plaintiff's petition for civil action and request to proceed in forma pauperis. Based upon the Court's review, it cannot be said "that the pleading shows on its face such a complete absence of any justiciable issue of law or fact that it cannot be reasonably believed that the court could grant any relief against any party named in the pleading." O.C.G.A. § 9-15-2(d). Said complaint is therefore APPROVED for filing.

The Clerk is hereby ordered to file the same. Further, the Clerk shall insure that the Plaintiff provides all required forms for filing and shall furnish the Sheriff with sufficient copies for service.

In addition, after having reviewed the Plaintiff's request to proceed in forma pauperis and the accompanying affidavit, said request is DENIED. Notice is hereby given that this civil action will be dismissed without prejudice if the filing fees are not paid within thirty (30) days of the date of this order.

SO ORDERED this 1st day of May, 2007.


H. Gregory Fowler, Judge
State Court of Chatham County, Georgia

c: John Randall Futch, Plaintiff
Clerk of Court

IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

JOHN RANDALL FUTCH :

Plaintiff, :

Case No. STCV 0701748

v. :

HOUSEHOLD BANK
RUST CONSULTING, INC.
BRIAN STRANGE :

Defendants. :

RECEIVED FOR FILING
STATE COURT CLERK
2007 MAY -1 PM 4:22
Brian Strange

MOTION FOR SERVICE OF SUMMONS
AND COMPLAINT OUTSIDE STATE

NOW COMES John Randall Futch, (Plaintiff) herein and files this "Motion For Service of Summons Outside of State" as follows:

1. This action is for fraud, as is more fully shown in the Complaint attached hereto.

2. The Defendant "Brian Strange" is located and can be served at 12100 Wilshire Boulevard, 19th Floor, Los Angeles, California 90025.

3. The period of thirty days is reasonable within which the Defendant (Brian Strange) should be required by summons served upon them to answer and appear to defend this action.

WHEREFORE ALL THE REASONS this plaintiff prays that this Court issue an order demanding the same.

This 13th day of March, 2007.

BY:

John Randall Futch
John Randall Futch

IN THE STATE COURT OF CHATHTAM COUNTY
STATE OF GEORGIA

JOHN RANDALL FUTCH
Plaintiff,

Case No. STCV 0701748

v.

HOUSEHOLD BANK
RUST CONSULTING, INC.
BRIAN STRANGE
Defendants.

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY, GA
2007 MAY -1 PM 4:20
Brian M. Strange

MOTION FOR SERVICE OF SUMMONS
AND COMPLAINT OUTSIDE STATE

NOW COMES John Randall Futch, (Plaintiff) herein and files
this "Motion For Service of Summons Outside of State" as follows:

1. This action is for fraud, as is more fully shown in the Complaint attached hereto.
2. The Defendant "Rust Consulting, Inc." is located and can be served at 625 Marquette Avenue, Suite 880, Minneapolis, MN 55402.
3. The period of thirty days is reasonable within which the Defendant (Rust Consulting, Inc.) should be required by summons served upon them to answer and appear to defend this action.

WHEREFORE ALL THE REASONS this plaintiff prays that this Court issue an order demanding the same.

This 13th day of March, 2007.

BY:

John Randall Futch
John Randall Futch

IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

JOHN RANDALL FUTCH

Plaintiff,

v.

Household Bank
Rust Consulting, Inc.
Brian Strange

Defendants.

Case No.

STCV 0701748

2007 MAY -1 PM 4:18

RECEIVED FOR FILING
STATE COURT CLERK

MOTION FOR SERVICE OF SUMMONS
AND COMPLAINT OUTSIDE STATE

NOW COMES John Randall Futch, (Plaintiff) herein and files this "Motion For Service of Summons Outside of State as follows:

1. This action is for fraud, as is more fully shown in the Complaint attached hereto.

2. The Defendant "Household Bank" is located and can be served at 1301 E. Tower Road, Schaumburg, IL 60173.

3. The period of thirty days is reasonable within which the Defendant (Household Bank) should be required by summons served upon them to answer and appear to defend this action.

WHEREFORE ALL THE REASONS this plaintiff prays that this Court issue an order demanding the same.

This 13th day of March, 2007.

BY:


John Randall Futch



General Civil Case Filing Information Form (Non-Domestic) gasccc-03

Court
☐ Superior
☒ State

County CHATHAM

Date Filed 05/01/2007
 MM-DD-YYYY

Docket # STCV 07-01748Plaintiff(s)
PUTCH JOHN R.

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

No. of Plaintiffs 1Plaintiff/Petitioner's Attorney ☒ Pro Se

Last	First	Middle I.	Suffix

Bar # _____

Check Primary Type (Check only ONE)

- ☐ Contract/Account
☐ Wills/Estate
☐ Real Property
☐ Dispossession/Distress
☐ Personal Property
☐ Equity
☐ Habeas Corpus
☐ Appeals, Reviews
☐ Post Judgment Garnishment, Attachment, or Other Relief
☐ Non-Domestic Contempt
☐ Tort (If tort, fill in right column)
☒ Other General Civil Specify FRAUD

Defendant(s)
HOUSEHOLD BANK

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

No. of Defendants 3If Tort is Case Type:
(Check no more than TWO)

- ☐ Auto Accident
☐ Premises Liability
☐ Medical Malpractice
☐ Other Professional Negligence
☐ Product Liability
☐ Other Specify _____

Are Punitive Damages Pleaded? ☒ Yes ☐ No

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY, GEORGIA

IN THE STATE COURT OF CHATHAM COUNTY MAY 24 AM 10:27
STATE OF GEORGIA

Brian N. Hart

JOHN RANDALL FUTCH,
Plaintiff,

Civil Action No. STCV07-01748-GI

v.

HOUSEHOLD BANK
RUST CONSULTING, INC.
BRIAN STRANGE,

Defendants.

MOTION FOR RECONSIDERATION
TO PROCEED IN FORMA PAUPERIS
WITH A CORRECTED AFFIDAVIT

COMES NOW John Randall Futch (Plaintiff) herein and files this it's "Motion For Reconsideration To Proceed In Forma Pauperis With a Corrected Affidavit" and says the following:

- (1) Plaintiff has submitted a corrected affidavit pursuant to 42-12-5 and the clarks request (Mr. Hart).
- (2) Plaintiff says that his complaint is with good cause.
- (3). Plaintiff says that if he cannot proceed with his motion being granted it will cause irraparable injury.

WHEREFORE ALL THE REASONS Plaintiff moves this Court for an ORDER that he be allowed to proceed in forma pauperis.

This 20 day of Apr. 1, 2007.

BY:

J. Randall Futch
John Randall Futch

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

John Randall Futch
Petitioner

08700-021
Inmate Number

Civil Action No. _____

Household Bank vs.
Rust Consulting Inc.
Brian Strange
Respondent

REQUEST TO PROCEED IN FORMA PAUPERIS

I, John Randall Futch, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, cost or give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? no
2. Have you received within the past twelve months any money from any other sources?
Business, profession or form of self-employment? no
Pensions, annuities or life insurance payments? no
Rent payments, interest or dividends? no
Gifts or inheritances? no
Any other sources? Mother yes
3. Do you own any cash or do you have money in a checking or savings account? (Include funds in prison accounts)

\$6.92

CERTIFICATE OF SERVICE

I have this day deposited a true copy of the same "Motion
For Reconsideration To Proceed In Forma Pauperis With a Corrected
Affidavit into the U.S. mail with adequate postage to:

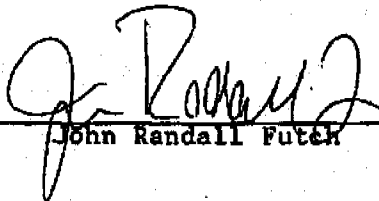
Household Bank
P.O. Box 3198
Salinas, CA 90136

Rust Consulting
P.O. Box 7750
Fairbault, MN 55387

Brian Strange
12100 Wilshire Blvd.
Los Angeles, CA 90025

This 20 day of April, 2007.

BY:


John Randall Futch

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

RECEIVED FULTON
STATE COURT CLERK
CHATHAM CO. GA

2007 JUL -7 PM 3:06

JOHN RANDALL FUTCH,
Plaintiff,

vs.

HOUSEHOLD BANK, RUST
CONSULTING, INC. and
BRIAN STRANGE,
Defendants.

CIVIL ACTION NO: STCV0701748-GI

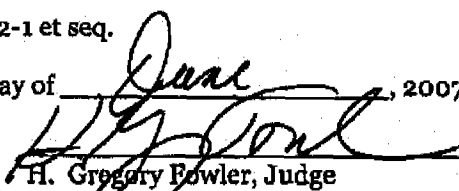
**ORDER ON PLAINTIFF'S MOTION FOR
RECONSIDERATION ON HIS REQUEST
TO PROCEED IN FORMA PAUPERIS**

Pending before the Court is the Plaintiff's Motion for Reconsideration to Proceed in Forma Pauperis. In accordance with O.C.G.A. § 9-15-2 and 42-12-5, the Court has examined the Plaintiff's request to proceed in forma pauperis and affidavit of indigency.

Based upon the Court's review of the Plaintiff's request to proceed in forma pauperis and the accompanying affidavit, and it appearing that the pauper's affidavit is proper, said request is GRANTED. The Clerk is hereby ordered to allow the Plaintiff to proceed in forma pauperis. The Clerk shall insure that the Plaintiff provides all required forms for filing and shall furnish the Sheriff with sufficient copies for service.

Plaintiff is hereby notified that the approval to proceed in forma pauperis shall not prevent the freezing of a prisoner's inmate account nor the forwarding of any future deposits into that account to the Court in accordance with the provisions of the Prison Litigation Reform Act, O.C.G.A. § 44-12-1 et seq.

SO ORDERED this 7th day of June, 2007.


H. Gregory Fowler, Judge
State Court of Chatham County, Georgia

c: Plaintiff
Clerk of Court

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

JOHN RANDALL FUTCH,

Plaintiff,

vs.

HOUSEHOLD BANK,
RUST CONSULTING, INC., and
BRIAN STRANGE,

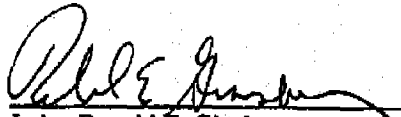
Defendants.

Civil Action No. STCV0701748GI

ORDER

Having considered Plaintiff John Randall Futch's Motion for Service of Summons and Complaint outside of State, this Court **HEREBY ORDERS** that Defendant Brian Strange be served with a copy of the summons and complaint in the above-captioned case in the same manner as service is made within the State of Georgia, by any person authorized to make service by the laws of the State of California or by any duly qualified attorney in the State of California.

SO ORDERED, this 19th day of June, 2007.


Judge Ronald E. Ginsberg
State Court of Chatham County

cc: John Randall Futch, Pro Se

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

JOHN RANDALL FUTCH,

Plaintiff,

vs.

HOUSEHOLD BANK,
RUST CONSULTING, INC., and
BRIAN STRANGE,

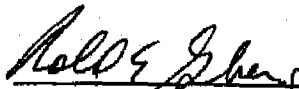
Defendants.

Civil Action No. STCV0701748GI

ORDER

Having considered Plaintiff John Randall Futch's Motion for Service of Summons and Complaint outside of State, this Court **HEREBY ORDERS** that Defendant Household Bank be served with a copy of the summons and complaint in the above-captioned case in the same manner as service is made within the State of Georgia, by any person authorized to make service by the laws of the State of Illinois or by any duly qualified attorney in the State of Illinois.

SO ORDERED, this 19th day of June, 2007.



Judge Ronald E. Ginsberg
State Court of Chatham County

cc: John Randall Futch, Pro Se

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

JOHN RANDALL FUTCH,

Plaintiff,

vs.

HOUSEHOLD BANK,
RUST CONSULTING, INC., and
BRIAN STRANGE,

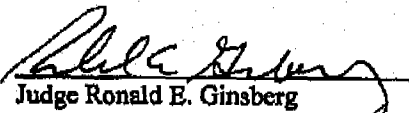
Defendants.

Civil Action No. STCV0701748GI

ORDER

Having considered Plaintiff John Randall Futch's Motion for Service of Summons and Complaint outside of State, this Court **HEREBY ORDERS** that Defendant Rust Consulting, Inc. be served with a copy of the summons and complaint in the above-captioned case in the same manner as service is made within the State of Georgia, by any person authorized to make service by the laws of the State of Minnesota or by any duly qualified attorney in the State of Minnesota.

SO ORDERED, this 17th day of June, 2007.


Judge Ronald E. Ginsberg
State Court of Chatham County

cc: John Randall Futch, Pro Se

RECEIVED
STATE COURT
2007 JUN 19 AM 9:59
William M. Strickland

THE STATE COURT OF CHATHAM COUNTY

**Brian K. Hart, Court Administrator
Room 308, Chatham County Courthouse
133 Montgomery Street
Savannah, Georgia 31401
(912) 652-7224**

June 20, 2007

Thomas Dart, Sheriff
1401 Maybrook Drive
Maybrook, IL 60153

Re: John Randall Futch
Vs
Household Bank, Rust Consulting, and Brian Strange
Civil Action No. STCV07-01748GI

Please perfect service of the second original in the above case on:

**HOUSEHOLD BANK
1301 EAST TOWER ROAD
SCHAUMBURG, IL 60173**

Please note service on the second original copy enclosed along with sheriff's entry of service and return to this office. No service fee is enclosed, as Judge Fowler, Chief Judge of State Court, allowed the plaintiff to proceed *in forma pauperis*.

Thank you for your assistance.

Very truly yours,



Ann Beall Galletta
Deputy Court Administrator

Enclosures

THE STATE COURT OF CHATHAM COUNTY

**Brian K. Hart, Court Administrator
Room 308, Chatham County Courthouse
133 Montgomery Street
Savannah, Georgia 31401
(912) 652-7224**

June 20, 2007

Hennepin County Sheriff
Patrick D. McGowan
350 South Fifth Street, Room 6
Minneapolis, MN 55415

Re: John Randall Futch
Vs
Household Bank, Rust Consulting, and Brian Strange
Civil Action No. STCV07-01748GI

Please perfect service of the second original in the above case on:

**RUST CONSULTING, INC.
625 MARQUETTE AVENUE
SUITE 880
MINNEAPOLIS, MN 55402**

Please note service on the second original copy enclosed along with sheriff's entry of service and return to this office. No service fee is enclosed, as Judge Fowler, Chief Judge of State Court, allowed the plaintiff to proceed *in forma pauperis*.

Thank you for your assistance.

Very truly yours,



Ann Beall Galletta
Deputy Court Administrator

Enclosures

THE STATE COURT OF CHATHAM COUNTY

**Brian K. Hart, Court Administrator
Room 308, Chatham County Courthouse
133 Montgomery Street
Savannah, Georgia 31401
(912) 652-7224**

June 20, 2007

Marilyn Baker, Captain
5019 East Third Street
Los Angeles, CA 90022

Re: John Randall Futch
Vs
Household Bank, Rust Consulting, and Brian Strange
Civil Action No. STCV07-01748GI

Please perfect service of the second original in the above case on:

**BRIAN STRANGE
12100 WILSHIRE BOULEVARD
19TH FLOOR
LOS ANGELES, CA 90025**

Please note service on the second original copy enclosed along with sheriff's entry of service and return to this office. No service fee is enclosed, as Judge Fowler, Chief Judge of State Court, allowed the plaintiff to proceed *in forma pauperis*.

Thank you for your assistance.

Very truly yours,



Ann Beall Galletta
Deputy Court Administrator

Enclosures

CPA 6403

PERSONAL SERVICE, FOREIGN PROCESS

452044

STATE OF MINNESOTA
COUNTY OF HENNEPIN

STCV07-01748 GI

JEFFERY J HAAS (88), being duly sworn, deposes and says, I am a citizen and resident of said County of Hennepin, State of Minnesota, over 21 years of age; not related to either of the within named parties, nor in any manner interested in said case; that I am a duly appointed, qualified and acting Deputy Sheriff of Hennepin County, Minnesota, that the hereto attached

EXHIBIT(S)
AFFIDAVIT OF POVERTY
SUMMONS AND COMPLAINT
CERTIFICATE UNDER RULE 3.2

came into my hands for service on the 25th day of June, 2007 09:50 AM, and that at the City of MINNEAPOLIS, County and State aforesaid, on the 26th day of June, 2007 11:30 AM, I duly served the above mentioned documents hereto attached upon the within named RUST CONSULTING INC at 625 MARQUETTE AVE # 880, MINNEAPOLIS, MN 55402 personally by then and there handing to, and leaving with said PAUL VOGEL, VICE PRESIDENT a true and correct copy thereof.

RECEIVED FOR FILE
STATE COURT CLERK
CHRISTIAN OJALA

2007 JUL -2 AM 11:24

RICHARD W. STANEK
HENNEPIN COUNTY SHERIFF

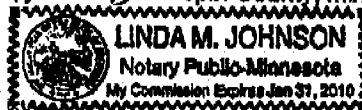
By [Signature]
JEFFERY J HAAS (88), Deputy Sheriff

Subscribed and sworn to before me this 27th day of June, 2007

Sheriff Fees:

JURAT	\$5.00
NOTARY	\$1.00
SERVICE	\$35.00
TRAVEL	\$1.20
TOTAL:	\$42.20

Notary Public, Hennepin County, Minnesota



Hennepin County Sheriff's Office
Patrick D. McGowan, Sheriff

Invoice

6/26/2007
452044

350 South Fifth Street
 Accounting Division, Room 30
 Minneapolis, MN, 55415

OUT OF STATE (GA)

STATE COURT OF CHATHAM COUNTY
ATTN: ANN BEALL GALLETTA
133 MONTGOMERY STREET # 308
SAVANNAH, GA 31401

RECEIVED FOR FILING
 STATE COURT OF CHATHAM COUNTY
 2007 JUL -2 AM 11:23
Brian K. Street

Index Number:
452044

Completed:
06-26-2007

Plaintiff:
JOHN RANDALL FUTCH

Type of Process:
SUMMONS & COMPLAINT

Defendant:
HOUSEHOLD BANK

Date Received:
06/25/2007

Description:	Amount:	Service Deposit:
JURAT	5.00	
NOTARY	1.00	
SERVICE	35.00	
TRAVEL	1.20	
Total	42.20	0.00
Amount Refunded:		0.00
Amount Due: (No Charge)		0.00

NOTICE

1. Make checks payable to: Hennepin County Sheriff's Office.
2. Return this Invoice with your remittance.
3. The Sheriff's records are filed according to the index number shown above. Please use this number for future reference.
4. For information pertaining to this billing, please call (612) 348-6206 or (612) 348-2465.

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY

2007 JUL -6 AM 10:50

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

Brian H. Hart

JOHN RANDALL FUTCH,	:	Case No. STCV07-01748-GI
Plaintiff,	:	
	:	
v.	:	
	:	
HOUSEHOLD BANK,	:	<u>NOTICE OF APPEAL</u>
RUST CONSULTING AND	:	
BRIAN STRANGE,	:	
Defendants.	:	

COME NOW John Randall Futch (Plaintiff) herein and files this "Notice of Appeal" and says the following:

The plaintiff hereby appeals the ORDER dated June 7, 2007 to the Georgia Court of Appeals. Nothing shall be omitted from the record.

The issue on appeal is as follows:

Plaintiff says that this Court lacks jurisdiction to notify the plaintiff that his account at the Federal Bureau of Prisons will be frozen pursuant to the Prison Litigation Act. Plaintiff says there is not one thread of evidence to support any finding whereas the State has jurisdiction to ORDER such. Plaintiff does not consent.

This 25th day of June, 2007.

John Randall Futch
John Randall Futch

CERTIFICATE OF SERVICE

I have this day deposited a true copy of the same "Notice of Appeal" into the United States mail with adequate postage attached thereon to:

Spencer Lawton, ADA
133 Montgomery Street
Savannah, Georgia 31401

This 25th day of June, 2007.

BY:


John Randall Futch

P.O. Box 5000
Pekin, Illinois 61555-5000

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
COURT SERVICES DIVISION

MEMO TO ATTORNEY OR LITIGANT

Your process/document(s) are being returned to you for the reason(s) check below:

- o Written Instructions are:
 - o Required for service
 - o Incomplete
 - o Inadequate
 - o Not signed
 - o Not legible
 - o Signed by someone other than the Attorney of record or litigant (CCP § 488.030)

X Fees:

- X Deposit for fees are required in advance
- o Insufficient amount, fees or deposit required \$ 30.00
- o Remit fees by Money Order, Cashiers Check or Personal Check payable to the Sheriff's Department, Los Angeles County
- NOTE: DO NOT SEND CASH THROUGH THE U.S. MAIL
- o A \$ _____ Notary Fee is required
- o Witness Fees are quired, made payable to the witness, amount \$ _____
- o Check is not signed or amounts differ or check is stale dated
- o Writ or Document is:
 - o Incomplete (#'s _____)
 - o Irregular on its face
 - o Not legible
 - o Directed to wrong County
 - o Writ has changes which are not initialed by the issuing clerk of the court
 - o Insufficient number of copies received, need _____ additional copies of the indicated document(s)
 - o Additional documents needed for proper service, see below or refer to the attached samples
 - o Per our telephone conversation

X Other:

EXPLANATION OF ABOVE:

FEE WAIVER FROM THE STATE OF GEORGIA DOES NOT COVER SERVICE FOR CALIFORNIA

PLEASE ENCLOSE THIS MEMO WHEN RESUBMITTING YOUR PROCESS FOR SERVICE

MEMO TO GARNISHEE OR EMPLOYER

The attached document(s)/check number _____ in the amount of \$ _____ is being returned for the reason check below:

- o We have received a total release from the plaintiff or a court order releasing the funds.
- o Unable to locate case number given, please provide a copy of the levy/order.
- o Defendant has filed Bankruptcy: No. _____ Chapter No. _____ Date filed _____
- o We have received judgment and costs on this case.
- o Make checks payable to the Sheriff's Department, Los Angeles County
- o Other:

Return to Address below:

SHERIFF'S DEPARTMENT
Deputy: 725 MAIN STREET RM 114
SANTA MONICA, CA 90401

LEROY B. BACA, SHERIFF

By: _____

Date: 7/12/07

TYPE LAW

SHERIFF'S OFFICE OF COOK COUNTY, ILLINOIS

DISTRICT 224

SHERIFF'S NUMBER 191302-0010 CASE NUMBER STCV0701748 DEPUTY: Mulla 3998

FILED DT 05-01-2007 RECEIVED DT 06-28-2007 DUE DT 07-13-2007 MULTIPLE SERVICE 1

DEFENDANT

ATTORNEY

HOUSEHOLD BANK

THE STATE COURT OF CHATHAM CO

1301 TOWER RD

133 MONTGOMERY ST.

SCHAUMBURG IL. 60173 E11

SAVANNAH GA. 31401

912 652-7224

PLAINTIFF FUTCH, JOHN RANDALL

SERVICE INFORMATION: CF

FOREIGN*****
(A) I CERTIFY THAT I SERVED THIS SUMMONS ON THE DEFENDANT AS FOLLOWS:

-1 PERSONAL SERVICE: BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT WITH THE NAMED DEFENDANT PERSONALLY.
-2 SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH SOME PERSON OF THE FAMILY OR A PERSON RESIDING THERE, OF THE AGE OF 13 YEARS OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS THEREOF. ALSO, A COPY OF THE SUMMONS WAS MAILED ON THE DAY OF 20, IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE.
-3 SERVICE ON: CORPORATION ☒ COMPANY ☒ BUSINESS ☐ PARTNERSHIP ☐ BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT (OR INTERROGATORIES) WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT.
-4 CERTIFIED MAIL

(B) THOMAS J. DART, SHERIFF, BY: Mulla 3998, DEPUTY.1 SEX MALE RACE W AGE 55

2 NAME OF DEFENDANT HOUSEHOLD BANK

WRIT SERVED ON Mr. StrathernTHIS 13 DAY OF July, 2007 TIME 6:08 A.M./P.M.

ADDITIONAL REMARKS

THE NAMED DEFENDANT WAS NOT SERVED.

TYPE OF BLDG Office

ATTEMPTED SERVICES

NEIGHBORS NAME

DATE TIME A.M./P.M.

ADDRESS

REASON NOT SERVED:

- | | |
|---|--|
| <input type="checkbox"/> 01 MOVED | <input type="checkbox"/> 07 EMPLOYER REFUSAL |
| <input type="checkbox"/> 02 NO CONTACT | <input type="checkbox"/> 08 RETURNED BY ATTY |
| <input type="checkbox"/> 03 EMPTY LOT | <input type="checkbox"/> 09 DECEASED |
| <input type="checkbox"/> 04 NOT LISTED | <input type="checkbox"/> 10 BLDG DEMOLISHED |
| <input type="checkbox"/> 05 WRONG ADDRESS | <input type="checkbox"/> 11 NO REGISTERED AGT. |
| <input type="checkbox"/> 06 NO SUCH ADDRESS | <input type="checkbox"/> 12 OTHER REASONS |
| | <input type="checkbox"/> 13 OUT OF COUNTY |

FEE .00 MILEAGE .00 TOTAL .00

\$620

2007 JUL 23 AM 11:27

RECEIVED PUBLIC
STATE COURT OF CHATHAM
SAVANNAH, GA



THE STATE COURT OF CHATHAM COUNTY

CHATHAM COUNTY COURTHOUSE

ROOM 308

SAVANNAH, GEORGIA 31401

BRIAN K. HART
COURT ADMINISTRATOR

PHONE NO. (912) 652-7224
FAX NO. (912) 652-7229

May 2, 2007

John Randall Futch, #08700-021
FCI Pekin
Post Office Box 5000
Pekin, Illinois 61555-5000

Dear Mr. Futch:

We have received your civil lawsuit styled "*John Randall Futch vs Household Bank, Rust Consulting, Inc., and Brian Strange.*" (Civil Action Number STCV07-01748GI) You did not include with your civil lawsuit the Court's filing fee in the amount of \$92.50 or fees incident to service of the lawsuit. In order to proceed as an indigent, Georgia law requires that you comply with O.C.G.A. § 42-12-5 [In Forma Pauperis Procedure; Contents and Service of Affidavit; Judicial Determinations]. The attorney or party filing the complaint will furnish the necessary service copies. On out of county services, the Court needs a second original and a copy of the second original for each service; a separate check to the sheriff for each service; and the address of the sheriff for each service.

A prisoner's affidavit of in forma pauperis must contain each of the following: 1) The prisoner's identity, including any and all aliases, and the prisoner's inmate number; 2) the nature and amount of any income as well as the source of that income; 3) real and personal property owned by the prisoner; and 4) cash and checking accounts held by the prisoner.

The affidavit must also contain the following sworn statement and the signature of the prisoner: "I, _____ do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation."

Further, your affidavit must contain a copy of your prisoner's inmate account of the last twelve months or the period of your incarceration, whichever is less. You must serve the affidavit, including all attachments, on the Court and all named Defendants.

O.C.G.A. Section 42-12-5 paragraph (a) provides that the failure by the prisoner to comply with this subsection shall result in a dismissal without prejudice of the civil action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian K. Hart".

Brian K. Hart
Clerk of State Court



THE STATE COURT OF CHATHAM COUNTY

CHATHAM COUNTY COURTHOUSE

ROOM 308

SAVANNAH, GEORGIA 31401

BRIAN K. HART
COURT ADMINISTRATOR

PHONE NO. (912) 652-7224
FAX NO. (912) 652-7229

May 2, 2007

Superintendent
FCI Pekin
Federal Correctional Institution
Post Office Box 7000
Pekin, IL 61555

RE: Inmate: JOHN RANDALL FUTCH
Inmate Number: 08700-021
Civil Action No.: STCV07-01748GI

JOHN RANDALL FUTCH

Vs.

HOUSEHOLD BANK, RUST CONSULTING,
INC., AND BRIAN STRANGE

Dear Superintendent:

Pursuant to O.C.G.A. § 42-12-4, this letter is to notify you that the above referenced prisoner has filed a civil action in the State Court of Chatham County.

The amount of the court costs due and payable is \$92.50 to State Court. (Mr. Futch will have to find out the service fees on the services he has for Los Angeles, CA, Minneapolis, MN, and Schaumburg, IL).

The prisoner is seeking to proceed as an indigent prisoner and has filed a prisoner's affidavit of in forma pauperis.

Pursuant to O.C.G.A. § 42-12-4(3)(B), please forward all court costs and fees from the monies deposited in the prisoner's inmate account, if any, until all court costs and fees are satisfied.

Sincerely,

A handwritten signature in cursive script that reads "Brian K. Hart".

Brian K. Hart
Clerk of State Court

42-12-4. Payment from prisoner's inmate account for costs and fees of action commenced by prisoner.

The following provisions shall apply when an indigent prisoner commences an action:

(1) The indigent prisoner shall pay the current balance of funds in the prisoner's inmate account;

(2) The clerk of court shall notify the superintendent of the institution in which the prisoner is incarcerated that an action has been filed. Notice to the superintendent shall include:

(A) The prisoner's name, inmate number, and civil action number; and

(B) The amount of the court costs and fees due and payable;

(3) Upon notification by the clerk of court that an indigent prisoner has commenced an action, the superintendent shall:

(A) Immediately freeze the prisoner's inmate account; and

(B) Order that all moneys deposited into the prisoner's inmate account be forwarded to the clerk until all court costs and fees are satisfied, whereupon the freezing of the account shall be terminated.



THE STATE COURT OF CHATHAM COUNTY
CHATHAM COUNTY COURTHOUSE
ROOM 308
SAVANNAH, GEORGIA 31401

BRIAN K. HART
COURT ADMINISTRATOR

PHONE NO. (919) 682-7224
FAX NO. (919) 682-7229

June 13, 2007

Superintendent
FCI Pekin
Federal Correctional Institution
Post Office box 7000
Pekin, IL 61555

RE: Inmate: JOHN RANDALL FUTCH
Inmate Number: 08700-021
Civil Action No.: STCV07-01748GI
John Randall Futch
Vs.
Household Bank, Ruse Consulting, Inc., and Brian Strange

Dear Superintendent:

The letter sent to you on May 2, 2007, from the State Court of Chatham County notified you of this civil action that was filed in State Court. The letter requested you to forward all court costs and fees from the monies deposited in the prisoner's inmate account until all court costs and fees were satisfied.

Pursuant to that action, Mr. Futch filed a "Motion for Reconsideration to Proceed in *Forma Pauperis* with a Corrected Affidavit" with State Court.

An order granting the plaintiff's motion to proceed in *Forma Pauperis* was signed by the Honorable H. Gregory Fowler, Chief Judge of the State Court of Chatham County, on the 7th day of June, 2007.

Therefore, Mr. Futch will be able to proceed with his litigation on this case in the State Court of Chatham County without court costs and fees. Your office does not need to forward any monies deposited in the prisoner's inmate account to State Court.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian K. Hart".

Brian K. Hart
Clerk of State Court

RECEIVED FOR FILING
STATE COURT CLERK
CHATHAM COUNTY

2007 JUL 25 PM 4:38

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

Brian K. Hart

JOHN RANDALL FUTCH,

Plaintiff,

v.

HOUSEHOLD BANK, N.A.,
RUST CONSULTING, INC., and
BRIAN STRANGE,

Defendants.

CASE NO. STCV 0701748

ANSWER AND DEFENSES

For its Answer to the Complaint of Plaintiff John Randall Futch, Defendant Rust Consulting, Inc. ("Rust"), by and through its undersigned attorneys, responds as follows:

FIRST DEFENSE

Responding to the individually numbered paragraphs of Plaintiff's Complaint, Rust states as follows:

1. Rust is without information or knowledge sufficient to form a belief as to the truth of Paragraph No. 1, Compl. at 1, and therefore denies the same.
2. In response to Paragraph No. 2, Compl. at 1, Rust admits only that it is incorporated under the laws of Minnesota and that its headquarters are located in Minnesota. Rust expressly denies that it is subject to jurisdiction in Georgia. Any allegation not expressly admitted in response to Paragraph No. 2, Compl. at 1, is hereby denied.
3. Rust is without information or knowledge sufficient to form a belief as to the truth of Paragraph No. 3, Compl. at 1, and therefore denies the same.

1. Rust is without information or knowledge sufficient to form a belief as to the truth of Paragraph No. 1,¹ Compl. at 2, and therefore denies the same.

2. Rust admits only that a national class action was filed against Defendant Household Bank, N.A. in a California state court. Rust is without information or knowledge sufficient to form a belief as to the truth of the remainder of Paragraph No. 2, Compl. at 2, and therefore denies the same.

3. In response to Paragraph No. 3, Compl. at 2, Rust admits that Rust's corporate headquarters are located in Minnesota. Responding further, Rust admits that it is engaged in the business of administering claims for class action settlements and has served as claims administrator for Defendant Household Bank, N.A. in a national class action adjudicated by a California state court in the past. Any allegation not expressly admitted in response to Paragraph No. 3, Compl. at 2, is hereby denied.

4. Rust is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph No. 4, Compl. at 2, and therefore denies the same.

5. On August 23, 2004, Rust admits that it received a request to obtain a Claim Form at its Claims Administration Center in Minnesota with a return address of: John Randall Futch, Federal Bureau of Prisons, P. O. Box 474701, Des Moines, Iowa, 50947. Rust is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 5, Compl. at 2, and therefore denies the same.

¹ The first three paragraphs of Plaintiff's Complaint are enumerated Paragraphs 1-3 on Page 1. On Page 2 of the Complaint, Plaintiff numbers his allegations starting again with Paragraph 1. This Answer conforms to Plaintiff's numbering system, but includes the Complaint's page numbers for clarity.

6. Rust is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6, Compl. at 2, and therefore denies the same.

7. Rust is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7, Compl. at 2, and therefore denies the same.

8. Rust is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8, Compl. at 2-3, and therefore denies the same.

9. Rust is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9, Compl. at 3, and therefore denies the same.

10. Rust is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10, Compl. at 3, and therefore denies the same.

11. Rust is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11, Compl. at 3, and therefore denies the same.

12. Rust denies that it committed any fraud with respect to any claims submitted by Plaintiff to Rust. Rust denies that Plaintiff filed a proper claim that would qualify him to relief under the California class action settlement. Rust is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 12, Compl. at 3, and therefore denies the same.

13. Rust denies that it conspired with Defendants Household Bank, N.A. or Brian Strange to deny Plaintiff's claims. Responding further, Rust denies that it committed any acts of fraud as to Plaintiff. Responding further, Rust states that it denied in good faith a claim by Plaintiff for failure to comply with requirements specified on the Claims Request Form. Any allegation not expressly admitted in response to Paragraph 13, Compl. at 3, is hereby denied.

In response to the unnumbered "WHEREFORE" paragraph following Paragraph No. 13, Compl. at 3-4, Rust denies all allegations contained therein and further denies that Plaintiff is entitled to any of the relief sought therein.

SECOND DEFENSE

The Complaint, and each cause of action thereof, fails to state a claim against Rust upon which relief can be granted.

THIRD DEFENSE

Rust is a foreign corporation, and is not subject to the jurisdiction of this Court.

FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of res judicata and/or collateral estoppel.

FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of laches and/or waiver.

SIXTH DEFENSE

There is no basis in law or fact for the imposition of punitive damages with respect to the Plaintiff's claims against Rust.

SEVENTH DEFENSE

Any award of punitive damages against Rust would violate the due process and equal protection provisions in the Constitution of the State of Georgia, Article I, § 1, ¶¶ 1-2 and the Fifth and Fourteenth Amendments to the United States Constitution.

EIGHTH DEFENSE

Without limiting the generality of the previous defense, an award of punitive damages against Rust in this case would violate its due process rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article I, § 1, ¶¶ 1-2 of the Constitution of Georgia (1983) because: (1) such an award under Georgia law is not subject to a predetermined amount, such as a maximum multiple of compensatory damages or a maximum amount; (2) the standard of law in Georgia does not provide sufficient clarity for determining the appropriateness and the approximate size of the punitive damages award; (3) the jury is not, under Georgia law, adequately instructed on the limits of punitive damages imposed by the applicable principles of deterrence and punishment; (4) the jury is not expressly prohibited from awarding punitive damages, or determining the amount of an award of punitive damages, in whole or in part, on the basis of invidiously discriminatory characteristics, including the residence, wealth, status and identity of the defendant; (5) the jury is permitted to award punitive damages under a standard for determining liability for punitive damages that is vague and arbitrary and does not define with sufficient clarity the conduct or mental state that makes punitive damages permissible; (6) an award of punitive damages is not subject to trial court and appellate judicial review for reasonableness and for the furtherance of the legitimate purposes of such damages on the basis of objective standards; (7) an award of punitive damages in this action would have an impermissible extraterritorial effect; (8) Rust had no notice of or means of ascertaining whether, or in what amount, it might be subject to a penalty of punitive damages for the conduct alleged by Plaintiff in this case, which lack of notice was compounded by the absence of any adequate or meaningful standards as to the kind of conduct that might subject Rust to punitive damages or as to the potential amount of such an award; (9) an award of

punitive damages under Georgia law does not give cognizance to the comparability of the award to awards in other, similar cases; (10) an award of punitive damages in Georgia under Georgia's statute does not give adequate consideration to the proportionality of the punitive damages awarded to the alleged wrong done to Plaintiff; and (11) no provision of Georgia law or the Georgia punitive damages scheme provides adequate procedural safeguards consistent with the criteria set forth in *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003), *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001), *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559 (1996), *Pac. Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1990), and *Matthews v. Eldridge*, 424 U.S. 319 (1976), for the imposition of a punitive award.

NINTH DEFENSE

O.C.G.A. § 51-12-5.1 violates the equal protection provisions of the Constitution of the United States and the Constitution of the State of Georgia (1983), Article I, § 1, ¶ 2, with the result that the entirety of O.C.G.A. § 51-12-5.1 concerning punitive damages is void as unconstitutional.

TENTH DEFENSE

Any award of punitive damages against Rust would constitute an excessive fine, and fail to afford Rust the procedural safeguards prescribed in the Constitution of the State of Georgia, and the Fifth, Fourteenth and Eighth Amendments to the United States Constitution.

ELEVENTH DEFENSE

Insofar as the punitive damages award sought by Plaintiff seeks to impose punitive damages under Georgia law for conduct in other states, the award violates: (a) Rust's rights to due process under the Fourteenth Amendment of the United States Constitution and Article I, § 1, ¶ 1 of the Constitution of the State of Georgia (1983); (b) the dormant or negative commerce

clause derived from Article I, Section 8, Clause 3 of the United States Constitution; (c) the Full Faith and Credit Clause of Article IV, Section 1 of the United States Constitution; (d) the requirement of the United States Constitution that a state respect the autonomy of other states within their spheres; and (e) the notion that a state has no legitimate concern in imposing punitive damages to punish a defendant for acts committed outside of the state's jurisdiction, as stated in *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003), *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001), *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559 (1996), *Pac. Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1990), and *Matthews v. Eldridge*, 424 U.S. 319 (1976).

TWELFTH DEFENSE

Without limiting any previous defense, insofar as any punitive damages sought by Plaintiff are awarded, such punitive damages may not exceed the sum of substantial compensatory damages that may be awarded to Plaintiff, as to do so would violate Rust's due process rights guaranteed by Article I, §1, ¶ 1 of the Constitution of Georgia (1983).

THIRTEENTH DEFENSE

Without limiting any previous defense, insofar as any punitive damages sought by Plaintiff are awarded, such punitive damages may not exceed the sum of substantial compensatory damages that may be awarded to Plaintiff, as to do so would violate Rust's due process rights guaranteed by the United States Constitution as applied in *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003), *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001), *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559 (1996), *Pac. Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1990), and *Matthews v. Eldridge*, 424 U.S. 319 (1976).

FOURTEENTH DEFENSE

Rust asserts that venue is improper in this case.

FIFTEENTH DEFENSE

Rust reserves the right to assert or plead any additional defenses that may arise or become available in the course of this litigation.

Respectfully submitted this 23rd day of July, 2007.



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Counsel for Defendant Rust Consulting, Inc.

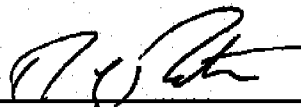
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Answer and Defenses** of Defendant Rust Consulting, Inc. was served via United States first class mail addressed to Plaintiff, proceeding pro se, and all counsel of records as follows:

Mr. John Randall Futch
Federal Correctional Institution
PO Box 5000
Pekin, Illinois 61555

This 25th day of July, 2007.

ELLIS, PAINTER, RATTERREE & ADAMS LLP



R. Clay Ratterree
State Bar No. 595312
Attorney For Defendant Rust Consulting, Inc.

PO Box 9946
Savannah, GA 31412
912.233.9700

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF REMOVAL** was served by first class mail, postage prepaid, upon all counsel of record on this 24 day of July, 2007, addressed as follows:

Mr. John Randall Futch
Federal Correctional Institution
P.O. Box 5000
Pekin, Illinois 61555



R. Clay Ratterree

***Counsel for Defendant Rust
Consulting, Inc.***